

### **REMARKS**

Claims 1-21 are currently pending in the application. Claims 1, 17, and 21 have been amended. Applicants respectfully request reconsideration of the pending claims in view of the following remarks.

#### **Claim Objections**

The Examiner objected to Claims 1-5 and 17-21 for informalities.

Applicants have amended Claims 1, 17, and 21 to address the informalities.

#### **Claim Rejections – 35 U.S.C. § 103**

The Examiner rejected Claims 1-5 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 1,999,783 ("Riesbol").

Riesbol does not teach or suggest the subject matter of amended independent Claim 1. More specifically, Riesbol does not teach or suggest a pre-formed concrete section including a first leg and a second leg projecting from the bottom surface, a distance, in a direction substantially parallel to the deck, from the center of the first leg to the center of the second leg being more than two times greater than the distance from the first side to the center of the first leg.

The Examiner indicates that "Riesbol ... does not specifically disclose a distance from the center of the first leg to the center of the second leg being more than two, three, four, or more than four times greater than the distance from the first side to the center of the first leg. However, this feature would have been a matter of obvious design choice to one of ordinary skill in the art at the time the invention was made. Furthermore, applicant has not disclosed the criticality of this feature." Office action mailed March 28, 2007, page 3.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Applicants respectfully contend that the Examiner has not established a *prima facie* case of obviousness, because Riesbol does not disclose all of the limitations of Claim 1. In addition, the application of Riesbol is limited to concrete forms for concrete joist floors, therefore the span between the legs is limited. Furthermore, the concrete forms are positioned in place where the concrete will remain (i.e., it is not transported or moved after being formed) and then they are

filled with the concrete. Later, the forms are removed and the concrete slab remains in position. Therefore, Riesbol does not disclose a pre-formed concrete section

For at least these reasons, Riesbol does not teach or suggest the subject matter of Claim 1. Accordingly, independent Claim 1 is allowable. Claims 2-5 depend from Claim 1, and are therefore allowable for at least the reasons Claim 1 is allowable.

The Examiner rejected Claims 6-20 under 35 U.S.C. § 103 as being unpatentable over Riesbol in view of U.S. Patent No. 3,168,771 ("Nelson").

Riesbol does not teach or suggest the subject matter of independent Claim 6 as noted in the Office action. Nelson does not cure the deficiencies of Riesbol, and there is no suggestion or motivation to combine the references. Riesbol discloses a channel form that interconnects with a flat plate 39 as illustrated in Fig. 11. The concrete fills the channel form and the flat plate 39 to form a flat surface 10 with beams 11. The flat surface includes a consistent thickness across the span of the flat plate 39.

In contrast, Nelson discloses an adjustable wing T form having a plurality of L-shaped frames 11 and 12. The frame 12 is mounted to a carriage 55 that moves the frame 12 into position according to a desired size of the beam 90. As illustrated in Figs. 3-4, the beam 90 includes wings having a varying thickness.

There is no suggestion or motivation to combine the references. There is no suggestion in Riesbol to make a concrete floor where the area that covers the flat plate 39 should vary in thickness. Furthermore, there is no suggestion to modify the concrete form of Riesbol because the forms utilize the flat plate 39 to support the span between the beams 11.

For at least these reasons, Riesbol and Nelson do not teach or suggest the subject matter of Claim 6. Accordingly, independent Claim 6 is allowable. Claims 7-16 depend from Claim 6, and are therefore allowable for at least the reasons Claim 6 is allowable.

Riesbol does not teach or suggest the subject matter of independent Claim 17 as noted in the Office action. Nelson does not cure the deficiencies of Riesbol, and there is no suggestion or motivation to combine the references for at least the reasons noted above with respect to Claim 6.

For at least these reasons, Riesbol and Nelson do not teach or suggest the subject matter of Claim 17. Accordingly, independent Claim 17 is allowable. Claims 18-20 depend from Claim 17, and are therefore allowable for at least the reasons Claim 17 is allowable.

The Examiner rejected Claim 21 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Application Publication No. 2003/0140590 ("Lancelot").

Lancelot does not teach or suggest the subject matter of independent Claim 21. More specifically, Lancelot does not teach or suggest a concrete section assembly wherein the at least two sections are connected to one another with the deck of each section being substantially co-planar and the second side of the deck of a first section being connected to the first side of the deck of a second section adjoining the first section, the distance, in a direction substantially parallel to the deck of each section, from the center of the first leg to the second leg of the first section is greater than the distance from the center of the second leg of the first section to the center of the first leg of the second section adjoining the first section.

The Examiner indicates that "Foster [sic] ... does not specifically disclose a distance from the center of the first leg to the second leg of the first section is greater than the distance from the center of the second leg of the first section to the center of the first leg of the second section adjoining the first section. However, this feature would have been a matter of obvious design choice to one of ordinary skill in the art at the time the invention was made. Furthermore, applicant has not disclosed the criticality of this feature." Office action mailed March 28, 2007, page 6.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Applicants respectfully contend that the Examiner has not established a *prima facie* case of obviousness, because Lancelot does not disclose all of the limitations of Claim 21. Lancelot focuses on the connection members to connect two adjacent concrete structural members. There is no disclosure in Lancelot regarding the distance between the legs of the concrete structure.

For at least these reasons, Lancelot does not teach or suggest the subject matter of Claim 21. Accordingly, independent Claim 21 is allowable.

**CONCLUSION**

In view of the foregoing, entry of this Amendment and allowance of Claims 1-21 is respectfully requested. The undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,

A handwritten signature in black ink that reads "Julie A. Haut". The signature is written in a cursive, flowing style.

Julie A. Haut  
Reg. No. 51,789

Docket No. 049220-9006-00  
Michael Best & Friedrich LLP  
100 East Wisconsin Avenue  
Suite 3300  
Milwaukee, Wisconsin 53202-4108  
414.271.6560